REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

No claims are currently being amended. Claims 1-22 remain pending in this application.

Allowable subject matter

Applicants appreciate the indication that at least claims 3 and 4 contain allowable subject matter.

Rejections under 35 U.S.C. § 103

Claims 1, 5-14 and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,189,097 to Tyckensen ("Tyckensen") in view of U.S. Patent No. 5,978,484 to Apperson et al. ("Apperson"). Claims 2, 15-17 and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tyckensen in view of U.S. Patent No. 5,659,616 to Sudia ("Sudia"). Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1 is directed to a digital certificate, and recites "which credential attribute function is embedded in the digital certificate as an executable program file, in which the credential attribute function can determine the value of the credential attribute property at least partly when the executable program file is executed." Tyckensen, Apperson, and Sudia fail to suggest at least this feature of claim 1.

Tyckensen discloses a digital certificate 10 which is issued as proof of ownership to a digital product purchaser 14 of a given digital product 16 (See FIG. 2, col. 4, lines 37-41). The digital certificate 10 may include a number of components 11, which may be text-based or binary –based (col. 7, lines 27-48).

The Office Action is not clear on its position on whether or not Tyckensen discloses a credential attribute function, as recited in claim 1, embedded within its digital certificate 10

as an executable program file. On page 3, first paragraph, the Office Action states that Tyckensen "does not explicitly disclose a credential attribute function is embedded in the digital certificate as an executable program file, in which the credential attribute function can determine the value of the credential attribute property at least partly when the executable program file is executed", but on page 7, last paragraph states that Tyckensen "does teaches the digital certificate having . . . a credential attribute function associated with the at least one credential attribute property, which function determines the value of the credential attribute property within the valid period." In any event, as applicants explain below, and as discussed in the Amendment filed November 29, 2005, Tyckensen does not include a credential attribute function, as recited in claim 1, embedded within its digital certificate 10 as an executable program file.

Tyckensen does not include a credential attribute function, as recited in claim 1, embedded within its digital certificate 10 as an executable program file. While Tyckensen discloses that its digital product 16 may be an executable computer program, (See col. 4, lines 46-49), the digital product 16 is separate from the digital certificate 10, and is not disclosed as functioning like the credential attribute function of claim 1. Tyckensen discloses that digital certificate 10 is issued as proof of ownership of a given digital product 16, such as a digital image or a computer program (See FIG. 2, col. 4, lines 37-41, 46-49). The digital product 16 is separate from the digital certificate 10, however, and is not disclosed as functioning like a credential attribute function. There is no suggestion in Tyckensen of including a credential attribute function, as that credential attribute function is recited in claim 1, embedded within its digital certificate 10 as an executable program file.

Apperson also fails to disclose "which credential attribute function is embedded in the digital certificate as an executable program file, in which the credential attribute function can determine the value of the credential attribute property at least partly when the executable program file is executed" as recited in claim 1, and thus fails to cure the deficiencies of Tyckensen. Apperson discloses an executable object 20 including executable code 30 and credentials 38 associated with a server computer or distributing authority (See FIG. 2, col. 4, lines 55-59). Apperson further discloses that the credentials may comprise a digital certificate (col. 8, lines 3-8). The executable code 30, however, is not embedded in the digital certificate

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of Apperson, as required by claim 1. Instead, both the executable code 30 and the digital certificate as part of the credentials 38, are part of the executable object 20.

Moreover, the executable code 30 of Apperson is not disclosed as determining the value of a credential attribute property. Thus, even if the executable code 30 is an executable program file, it does not "determine the value of the credential attribute property at least partly when the executable program file is executed" as required by claim 1. Thus, even if Tyckensen and Apperson were combined, the result would not meet the limitations of claim 1.

With respect to Apperson, the Office Action equates the CA's certificate 71 of Apperson with the credential attribute function as claimed, and states on page 3, "The Examiner believes the CA's certificate to be a credential attribute function because the certificate 'indicates an authorized set of privileges' which verifies levels of trustworthiness and executes code based on the level of trust identified." Nowhere, however, does Apperson disclose that the certificate 71 executes code, or that code embedded thereon is executed, much less to determine the value of the credential attribute property. If the Examiner maintains the rejection based in part on Apperson, applicants respectfully request that the Examiner specifically point out where Apperson discloses code embedded on the certificate 71 which when executed determines the value of a credential attribute property.

Sudia also fails to disclose "which credential attribute function is embedded in the digital certificate as an executable program file, in which the credential attribute function can determine the value of the credential attribute property at least partly when the executable program file is executed" as recited in claim 1, and thus fails to cure the deficiencies of Tyckensen.

Independent claims 18 and 19 respectively recite "which credential attribute function is in the digital certificate as an executable program file, in which the credential attribute function can at least in part, when the executable program file is executed, determine the value of the credential attribute property", and "which credential attribute function is in the digital certificate as an executable program file, in which the credential attribute function can

at least in part, when the executable program file is executed, determine the value of the credential attribute property automatically", and thus are patentable for reasons analogous to claim 1.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein. In this context, Applicants note with appreciation, the indicated allowability of the subject matter in claims 3 and 4.

Double patenting

Claims 1-22 stand provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1-38 of copending U.S. Patent Application No. 10/075,445 (hereafter "the '445 application"). Claims of the '445 application have been provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims of the present application. Accordingly, applicants respectfully request that the Examiner allow one of the present application and copending '445 application, at which time a Terminal Disclaimer will be filed in the other application if such is warranted. (See MPEP 822.01).

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date _April 24, 2006_   By _____

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